

EXHIBIT F

1 UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION
4

5 ROBERT G. WINGO,)
6 Plaintiff,)
7 vs.) No. 08 C 368
8 THYSSENKRUPP MATERIALS NA,)
9 INC., d/b/a COPPER AND BRASS,)
10 Defendant.)

COPY

11
12 Deposition of PETE LAROCCO, called
13 for examination, taken pursuant to notice,
14 agreement and by the provisions of the Rules of
15 Civil Procedure for the United States District
16 Courts pertaining to the taking of depositions,
17 taken before PATRICIA A. ARMSTRONG, a Notary
18 Public within and for the County of DuPage, State
19 of Illinois, and a Certified Shorthand Reporter,
20 No. 084-1766, of said state, taken at 29 South
21 LaSalle Street, Chicago, Illinois, on the 29th day
22 of May, 2008 at 2:00 p.m.

23

24

DEPOSITION OF PETE LAROCO - 5/29/08

<p>1 PRESENT:</p> <p>2</p> <p>3 LISA KANE & ASSOCIATES, by</p> <p>4 MS. JANET WEGNER,</p> <p>5 120 South LaSalle Street, Suite 1420,</p> <p>6 Chicago, Illinois 60603,</p> <p>7 (312) 606-0383,</p> <p>8 appeared on behalf of Plaintiff;</p> <p>9</p> <p>10 and</p> <p>11</p> <p>12 HONIGAN, MILLER, SCHWARTZ and COHN, LLP, by</p> <p>13 MR. MATTHEW SCOTT DISBROW,</p> <p>14 2290 First National Bank Building,</p> <p>15 660 Woodward Avenue,</p> <p>16 Detroit, Michigan 48226-3506,</p> <p>17 313-465-7372,</p> <p>18 MR. MATTHEW SCOTT DISBROW,</p> <p>19 appeared on behalf of Defendant.</p> <p>20</p> <p>21</p> <p>22</p> <p>23 REPORTED BY: PATRICIA ARMSTRONG, CSR, RPR.</p> <p>24 Certificate No. 84-1766.</p>	<p>1 (WHEREUPON, the witness was</p> <p>2 duly sworn.)</p> <p>3 PETE LAROCO,</p> <p>4 called as a witness herein, having been first</p> <p>5 duly sworn, was examined and testified as</p> <p>6 follows:</p> <p>7 EXAMINATION</p> <p>8 BY MS. WEGNER:</p> <p>9 Q. Sir, would you please state your</p> <p>10 complete name for the record and spell your last</p> <p>11 name.</p> <p>12 A. Pete LaRocco, L-a capital R-o-c-c-o.</p> <p>13 MS. WEGNER: Let the record reflect that</p> <p>14 this is the deposition of Pete LaRocco, witness</p> <p>15 for the Defendant in the case entitled Robert</p> <p>16 Wingo versus Thyssenkrupp Materials NA, Inc.,</p> <p>17 doing business as Copper and Brass Sales, Case</p> <p>18 No. 08 C 368, pending in the United States</p> <p>19 District Court for the Northern District of</p> <p>20 Illinois Eastern Division.</p> <p>21 This deposition is being taken</p> <p>22 pursuant to notice and in accordance with the</p> <p>23 Federal Rules of Civil Procedure and applicable</p> <p>24 local rules.</p>
<p>1 INDEX</p> <p>2 WITNESS EXAMINATION</p> <p>3 PETE LAROCO,</p> <p>4 By Ms. Wegner 5 - 72</p> <p>5 80 - 85</p> <p>6 By Mr. Disbrow 72 - 80</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 NUMBER PAGE REFERENCE</p> <p>10 No. 2 15</p> <p>11 No. 3 15</p> <p>12 No. 4 12</p> <p>13 No. 5 15, 41</p> <p>14 No. 7 45</p> <p>15 No. 11 59</p> <p>16 No. 14 61</p> <p>17 No. 16 67</p> <p>18 No. 17 16</p> <p>19 No. 18 46</p> <p>20 No. 21 57</p> <p>21 No. 22 76</p> <p>22 No. 30 32</p> <p>23 (Exhibit No. 30 retained by counsel.)</p> <p>24 ---</p>	<p>1 MR. DISBROW: Let me just state for the</p> <p>2 record that I don't know if it's accurate to</p> <p>3 reflect that he is a witness for the Defendant.</p> <p>4 Mr. LaRocco is an hourly employee.</p> <p>5 THE WITNESS: Right.</p> <p>6 MR. DISBROW: And a Union representative.</p> <p>7 THE WITNESS: Union steward.</p> <p>8 MR. DISBROW: We did not have the ability</p> <p>9 to produce Mr. LaRocco. He was subpoenaed.</p> <p>10 BY MS. WEGNER:</p> <p>11 Q. Mr. LaRocco, my name is Jan Wegner.</p> <p>12 I am one of the attorneys representing Robert</p> <p>13 Wingo in a lawsuit he has filed against Copper and</p> <p>14 Brass Sales.</p> <p>15 I am going to be asking you questions</p> <p>16 today regarding Mr. Wingo's employment with Copper</p> <p>17 and Brass Sales, your employment with Copper and</p> <p>18 Brass Sales and questions about the business of</p> <p>19 your employer, Copper and Brass Sales, and</p> <p>20 allegations made by Mr. Wingo in his lawsuit.</p> <p>21 Have you ever given a deposition</p> <p>22 before?</p> <p>23 A. Yes, I have.</p> <p>24 Q. Prior to today, how many occasions</p>

<p>6</p> <p>1 have you given a deposition?</p> <p>2 A. One.</p> <p>3 Q. And in what type of matter did you</p> <p>4 give deposition testimony before today?</p> <p>5 A. With our Labor 714 Teamsters.</p> <p>6 Q. Other than the prior deposition</p> <p>7 testimony that you provided, have you provided any</p> <p>8 other sworn testimony at a trial or other type of</p> <p>9 hearing?</p> <p>10 A. No.</p> <p>11 Q. And have you ever been a party to a</p> <p>12 litigation, Plaintiff or Defendant?</p> <p>13 A. No.</p> <p>14 Q. It's important that you remember to</p> <p>15 respond verbally to all the questions that are</p> <p>16 asked of you so the court reporter can make an</p> <p>17 accurate record because her machines don't accept</p> <p>18 a nonverbal response. All right?</p> <p>19 A. Okay.</p> <p>20 Q. It's also very helpful for her if we</p> <p>21 both don't try and speak at the same time because</p> <p>22 she can't record more than one person speaking at</p> <p>23 the same time. So please try and wait for me to</p> <p>24 complete a question and I will try and wait for</p>	<p>8</p> <p>1 Q. So your deposition today is pursuant</p> <p>2 to subpoena; correct?</p> <p>3 A. Right.</p> <p>4 Q. What is your current home address?</p> <p>5 A. 218 Wakefield Lane, Schaumburg,</p> <p>6 Illinois. 60193 is the Zip Code.</p> <p>7 Q. And how long have you lived on</p> <p>8 Wakefield Lane in Schaumburg?</p> <p>9 A. About 15 years now.</p> <p>10 Q. Is your current residence on</p> <p>11 Wakefield Lane a home?</p> <p>12 A. Yes.</p> <p>13 Q. Do you have any present intention of</p> <p>14 relocating?</p> <p>15 A. No.</p> <p>16 Q. What is your date of birth?</p> <p>17 A. 9/11/59.</p> <p>18 Q. What is your current age?</p> <p>19 A. I am going to be 49.</p> <p>20 Q. You will be 49 in?</p> <p>21 A. Right, September.</p> <p>22 Q. So currently you are 48?</p> <p>23 A. Yeah, 48. I'm sorry.</p> <p>24 Q. What is the highest level of</p>
<p>7</p> <p>1 your complete response, and we will make her job</p> <p>2 easier. Okay?</p> <p>3 Will you let me know if I ask a</p> <p>4 question that you feel you don't understand?</p> <p>5 A. Yes.</p> <p>6 Q. If you tell me you don't understand a</p> <p>7 question, I will rephrase it to make it perfectly</p> <p>8 clear for your response. All right?</p> <p>9 A. Yes.</p> <p>10 Q. If do you answer a question, it will</p> <p>11 be assumed that you understood that question.</p> <p>12 Do you agree that's fair?</p> <p>13 A. Yes.</p> <p>14 Q. Should you need a break, please let</p> <p>15 us know; and as long as you answer any question</p> <p>16 that has been asked first, we will be happy to</p> <p>17 take a break. Okay?</p> <p>18 A. Okay.</p> <p>19 Q. Do you have any questions about this</p> <p>20 process?</p> <p>21 A. No, I don't.</p> <p>22 Q. Did you receive a subpoena and a</p> <p>23 witness fee check to appear here?</p> <p>24 A. Yes, I did.</p>	<p>9</p> <p>1 education you have achieved?</p> <p>2 A. High school.</p> <p>3 Q. Where did you attend high school?</p> <p>4 A. Proviso East.</p> <p>5 Q. Did you graduate from Proviso East?</p> <p>6 A. No, I had my GED there.</p> <p>7 Q. When did you receive your GED?</p> <p>8 A. A while back, I don't know the exact</p> <p>9 year.</p> <p>10 Q. Do you hold any professional licenses</p> <p>11 or certifications?</p> <p>12 A. No.</p> <p>13 Q. Do you have any trade or specialty</p> <p>14 professional training?</p> <p>15 A. From work, yes.</p> <p>16 Q. And from which employer do you have</p> <p>17 trade training?</p> <p>18 A. Thyssenkrupp Copper and Brass Sales.</p> <p>19 On machinery, if that's what I understand the</p> <p>20 question to be.</p> <p>21 Q. Have you ever been convicted of a</p> <p>22 felony?</p> <p>23 A. No.</p> <p>24 Q. Have you ever been convicted of a</p>

DEPOSITION OF PETE LAROCO - 5/29/08

<p>10</p> <p>1 crime involving dishonesty?</p> <p>2 A. No.</p> <p>3 Q. Are you currently employed with</p> <p>4 Copper and Brass Sales?</p> <p>5 A. Yes, I am.</p> <p>6 Q. When did you begin your employment</p> <p>7 with --</p> <p>8 A. Twenty-nine years ago, 4/24/79, I</p> <p>9 think it was.</p> <p>10 Q. And what is your position with Copper</p> <p>11 and Brass Sales?</p> <p>12 A. I am a machine operator lead man and</p> <p>13 the steward for our Local.</p> <p>14 Q. You are a machine operator?</p> <p>15 A. Yes.</p> <p>16 Q. And you are a <u>lead</u> man for what?</p> <p>17 A. For the bay, for the machine bay.</p> <p>18 And I am the steward for the members.</p> <p>19 Q. Your position as a steward in</p> <p>20 connection with your membership in Teamsters Local</p> <p>21 714; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. How long have you been a member of</p> <p>24 Teamsters?</p>	<p>12</p> <p>1 mainly cut stainless steel.</p> <p>2 Q. And what are your duties as Union</p> <p>3 steward?</p> <p>4 A. I try to represent the members.</p> <p>5 If they have a grievance, I give them</p> <p>6 a grievance form and let them fill it out and we</p> <p>7 go through the process of the grievance work.</p> <p>8 I have negotiated contracts, too,</p> <p>9 there, six of them, six three-year contracts.</p> <p>10 Q. Did you participate in negotiating</p> <p>11 the most recent Union contract?</p> <p>12 A. Yes, I have. My signature should be</p> <p>13 in the back.</p> <p>14 Q. Mr. LaRocco, I am going to show you a</p> <p>15 document that we have previously marked as Exhibit</p> <p>16 No. 4 in an earlier deposition.</p> <p>17 Do you recognize that?</p> <p>18 A. Yes, I do.</p> <p>19 Q. And what is Exhibit No. 4?</p> <p>20 A. It's our previous contract.</p> <p>21 Q. Previous to when?</p> <p>22 A. Three-year contract. It's going to</p> <p>23 be ending soon.</p> <p>24 Q. Is this Exhibit No. 4 the Union</p>
<p>11</p> <p>1 A. About 21 years now.</p> <p>2 Q. Mr. LaRocco, could you please try and</p> <p>3 let me wait to complete my question?</p> <p>4 A. Yes, I will.</p> <p>5 Q. Thank you.</p> <p>6 I'm sorry, you have been a member of</p> <p>7 Teamsters Local 714 for about <u>21</u> years?</p> <p>8 A. No, 29 years.</p> <p>9 Q. And how long have you been a Union</p> <p>10 steward?</p> <p>11 A. Twenty-one years.</p> <p>12 Q. How long have you been a machine</p> <p>13 operator at Copper and Brass Sales?</p> <p>14 A. I would say about 21 years.</p> <p>15 Q. What are the machines that you</p> <p>16 operate at Copper and Brass Sales?</p> <p>17 A. I operated shears, I have operated</p> <p>18 cutting machines, steel cutting machines,</p> <p>19 slitters.</p> <p>20 Q. What are your duties as a machine</p> <p>21 operator with Copper and Brass Sales?</p> <p>22 A. As a lead man, I hand out the work to</p> <p>23 my fellow operators in the bay. And I cut</p> <p>24 according to the order, what it calls for. We</p>	<p>13</p> <p>1 Collective Bargaining Agreement that was in effect</p> <p>2 from April 16, 2006 through April 15, 2009 at the</p> <p>3 Copper and Brass Sales location in Schaumburg?</p> <p>4 A. Yes.</p> <p>5 Q. And did you sign a number of the</p> <p>6 pages of the --</p> <p>7 A. Yes, on Page 23.</p> <p>8 Q. And you also signed Page 24, 25 --</p> <p>9 A. Right.</p> <p>10 Q. (Continuing.) -- 26, 27 and 28 of the</p> <p>11 agreement?</p> <p>12 A. Yes.</p> <p>13 Q. If you look at the page of the</p> <p>14 Collective Bargaining Agreement, it has a little</p> <p>15 number in the bottom right-hand corner, 00771,</p> <p>16 it's the next to the last page, I believe.</p> <p>17 On Page 00771 of the Collective</p> <p>18 Bargaining Agreement there is a letter of</p> <p>19 understanding regarding the attendance policy?</p> <p>20 A. Yes.</p> <p>21 Q. Were there any changes that were made</p> <p>22 to the attendance policy after this letter of</p> <p>23 understanding?</p> <p>24 A. Yes. I think there were a few of</p>

4 (Pages 10 to 13)

<p style="text-align: right;">14</p> <p>1 them we changed -- a few things that were changed.</p> <p>2 Q. Now, when did those changes take</p> <p>3 place?</p> <p>4 A. I don't know the exact dates. But we</p> <p>5 were able to do that if we have a meeting with the</p> <p>6 company and my business agent and Gino and I.</p> <p>7 Q. Can you tell me what the current</p> <p>8 attendance policy is?</p> <p>9 A. I am not sure exactly. This happened</p> <p>10 a while back. I couldn't tell you off the top of</p> <p>11 my head right now.</p> <p>12 Q. Are you aware of any document in</p> <p>13 existence that would articulate the attendance</p> <p>14 policy at the Schaumburg location of Copper and</p> <p>15 Brass Sales that was reached and that became</p> <p>16 effective after the latest contract?</p> <p>17 A. Excuse me, I don't understand what</p> <p>18 you said. I missed that.</p> <p>19 Q. Is there a document that you are</p> <p>20 aware of that's in existence that would set forth</p> <p>21 the attendance policy?</p> <p>22 A. Those are work rules, they are not a</p> <p>23 part of the contract. Those are the Company's</p> <p>24 work rules.</p>	<p style="text-align: right;">16</p> <p>1 that document before?</p> <p>2 A. No, I haven't.</p> <p>3 Q. Do you recognize names on Exhibits 2</p> <p>4 and 3 as names of employees of Copper and Brass</p> <p>5 Sales?</p> <p>6 A. Yes.</p> <p>7 Q. I am going to --</p> <p>8 A. Excuse me, other than I am not -- am</p> <p>9 I in here. No, I am not in here.</p> <p>10 Q. You are not in there?</p> <p>11 A. Yeah, why is that?</p> <p>12 Q. Beats me, I don't know.</p> <p>13 A. I have never seen these.</p> <p>14 Q. I have not yet been able to determine</p> <p>15 who prepared that or when they were prepared. So</p> <p>16 you are not on here.</p> <p>17 Let me show you Exhibit No. 17, the</p> <p>18 document is entitled "Employee Handbook."</p> <p>19 Have you ever seen that before?</p> <p>20 A. No. I think this is for management.</p> <p>21 Q. Okay.</p> <p>22 A. No, I have never seen this.</p> <p>23 Q. Is there a seniority list for the</p> <p>24 employees who are members of the Union local 714</p>
<p style="text-align: right;">15</p> <p>1 They have full discretion. We can</p> <p>2 talk about it, but they decide if they want to</p> <p>3 change things.</p> <p>4 Q. Right. But you said there was a</p> <p>5 change in the attendance policy?</p> <p>6 A. Yes, that was, I would say, maybe a</p> <p>7 year back.</p> <p>8 Q. I am going to show you what was</p> <p>9 marked at another deposition in this matter as</p> <p>10 Exhibit No. 5.</p> <p>11 Do you recognize Exhibit No. 5?</p> <p>12 A. Yes. These are part of the work</p> <p>13 rules.</p> <p>14 Q. And do you know where in these work</p> <p>15 rules the attendance policy is set forth?</p> <p>16 A. I don't see them in here. No, I</p> <p>17 don't see them in here.</p> <p>18 Q. I am going to show you a document</p> <p>19 marked at an earlier deposition as Exhibit No. 2.</p> <p>20 Have you ever seen that document</p> <p>21 before?</p> <p>22 A. No, I haven't.</p> <p>23 Q. I am going to show you a document</p> <p>24 previously marked as Exhibit No. 3. Have you seen</p>	<p style="text-align: right;">17</p> <p>1 at Copper and Brass?</p> <p>2 A. Yes, there is.</p> <p>3 Q. Who is No. 1 on the seniority list?</p> <p>4 A. I am.</p> <p>5 Q. I thought so.</p> <p>6 A. In fact, they call me Grandpa there.</p> <p>7 Q. Who is No. 2 on the seniority list</p> <p>8 presently?</p> <p>9 A. At this time, I think it's Benny</p> <p>10 Crosser. Kurt Sorenson retired. We have had a</p> <p>11 couple individuals that retired who were older</p> <p>12 than -- they were like 58 or 59, right around</p> <p>13 that. We have had a couple retirements.</p> <p>14 Just recently, Danny White and Kurt</p> <p>15 Sorenson were the last two employees that retired.</p> <p>16 Q. Are you familiar with Mr. Wingo?</p> <p>17 A. Yes, I am.</p> <p>18 Q. When Mr. Wingo was employed at Copper</p> <p>19 and Brass Sales last, was he next on the seniority</p> <p>20 list below you?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know how long Mr. Wingo was</p> <p>23 employed by Copper and Brass Sales?</p> <p>24 A. He was there 29 -- Bob, maybe 21</p>

<p>18</p> <p>1 or -- 18 or 21, around there, I think it is.</p> <p>2 Q. Did Mr. Wingo ever complain to you</p> <p>3 about harassment that he received from supervisors</p> <p>4 or managers at Copper and Brass Sales?</p> <p>5 MR. DISBROW: I just want to object to the</p> <p>6 form of the question, it's vague and ambiguous in</p> <p>7 its current form.</p> <p>8 And I guess I should explain to you,</p> <p>9 Mr. LaRocco, lawyers are going to make objections</p> <p>10 during depositions.</p> <p>11 That doesn't affect your ability to</p> <p>12 answer the question.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Yes. As I stated, though, there is a</p> <p>15 grievance form that if they thought there was a</p> <p>16 problem, that I never deny anybody a grievance</p> <p>17 form.</p> <p>18 And if I did, he could call the Union</p> <p>19 hall and they would issue a grievance form for him</p> <p>20 to fill out and state his piece.</p> <p>21 BY MS. WEGNER:</p> <p>22 Q. When did Mr. Wingo tell you that he</p> <p>23 felt he was being harassed by the supervisors or</p> <p>24 managers at Copper and Brass Sales?</p>	<p>20</p> <p>1 need to properly fill out correctly. And Bob kept</p> <p>2 making the same mistake, and he felt he was being</p> <p>3 harassed by the foreman.</p> <p>4 Q. What, if anything, did you do --</p> <p>5 A. I had suggested to Bob if he felt</p> <p>6 that he was being harassed, to fill out a</p> <p>7 grievance form. And I don't think he ever did.</p> <p>8 Q. Did Mr. Wingo ever indicate to you</p> <p>9 that he had concern about filing a grievance</p> <p>10 because it could affect his ability to receive</p> <p>11 overtime?</p> <p>12 A. I don't remember that.</p> <p>13 Q. Did Mr. Wingo ever tell you that he</p> <p>14 was concerned about filing any grievance because</p> <p>15 he feared retaliation?</p> <p>16 A. I don't remember that.</p> <p>17 Q. Do you have personal knowledge that</p> <p>18 Mr. Wingo kept making the same mistake on the --</p> <p>19 A. I was shown copies, I was shown</p> <p>20 copies of the work orders that the same mistakes</p> <p>21 were being made on.</p> <p>22 Q. Who showed you the copies of the work</p> <p>23 orders?</p> <p>24 A. The supervisor.</p>
<p>19</p> <p>1 MR. DISBROW: Same objections.</p> <p>2 MS. WEGNER: You can answer.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I don't know the exact date.</p> <p>5 BY MS. WEGNER:</p> <p>6 Q. Do you recall the month or year that</p> <p>7 he complained to you? --</p> <p>8 A. I would say probably maybe four or</p> <p>9 five months ago. I don't know the exact date, but</p> <p>10 I do know that he has stated that, yes.</p> <p>11 Q. Did Mr. Wingo complain to you that he</p> <p>12 believed he was being harassed by any supervisor</p> <p>13 or manager prior to his termination?</p> <p>14 A. For not doing his work, yes.</p> <p>15 Q. Who did Mr. Wingo complain he</p> <p>16 believed was harassing him when he complained to</p> <p>17 you?</p> <p>18 A. I believe it was Mark DeMien.</p> <p>19 Q. Did Mr. Wingo describe to you the</p> <p>20 harassment he believed he was receiving from</p> <p>21 Mr. DeMien when he complained to you?</p> <p>22 A. That he was doing too much in the one</p> <p>23 area that he was in the back, he wasn't doing the</p> <p>24 proper work order. We have work orders that you</p>	<p>21</p> <p>1 Q. You are referring to --</p> <p>2 A. Randy Lunt.</p> <p>3 Q. When did Mr. Lunt show you these</p> <p>4 copies of work orders with the same mistakes by</p> <p>5 Mr. Wingo?</p> <p>6 A. Bob was brought into the office</p> <p>7 numerous times to explain that he was making these</p> <p>8 mistakes, and I would go in there with him as a --</p> <p>9 you know, representing him, and Mr. Lunt would</p> <p>10 show us and try to tell Bob that I needed to fill</p> <p>11 out the orders correctly and quit making the</p> <p>12 errors that he was making.</p> <p>13 Q. Did you participate in meetings of</p> <p>14 any other employees and management regarding</p> <p>15 errors on work orders?</p> <p>16 A. Yes.</p> <p>17 Q. In your experience at Copper and</p> <p>18 Brass Sales, were work order errors pretty common?</p> <p>19 A. Yes. We went through a few changes</p> <p>20 on work orders, and we had numerous of meetings.</p> <p>21 And we were trained on certain work orders, how to</p> <p>22 fill them out and what they expected of us</p> <p>23 according to what bay you are in, how to fill</p> <p>24 these orders out.</p>

<p style="text-align: right;">22</p> <p>1 They have had numerous training</p> <p>2 sessions with us; and if you needed more sessions,</p> <p>3 you could request to be retrained on that -- on</p> <p>4 whatever mistakes you were making, you could be</p> <p>5 retrained on.</p> <p>6 Q. When was the last time you were made</p> <p>7 aware of any work order errors that were made by</p> <p>8 employees at the Schaumburg location of Copper and</p> <p>9 Brass Sales?</p> <p>10 A. I would say maybe about three weeks</p> <p>11 ago myself. I was brought in, told that I was</p> <p>12 making a mistake on the order.</p> <p>13 And I was counseled and then</p> <p>14 retrained on what I was doing, because we are</p> <p>15 switching over to a new system.</p> <p>16 Q. What is the new system?</p> <p>17 A. We are supposed to be getting a new</p> <p>18 computer system, where you enter SL10 tags that</p> <p>19 need to be made after you cut the order.</p> <p>20 You need to make sure that you put</p> <p>21 the right information in the computer in order to</p> <p>22 fill out the tag that has to be retagged to the</p> <p>23 metal that is going back into the stock.</p> <p>24 Q. In the work that you have performed</p>	<p style="text-align: right;">24</p> <p>1 A. It went all the way through the</p> <p>2 process to the customer, yes.</p> <p>3 Q. The instance where you made the</p> <p>4 mistake cutting the wrong alloy about three months</p> <p>5 ago, did anyone else involved with processing that</p> <p>6 order at Copper and Brass Sales receive any</p> <p>7 discipline?</p> <p>8 A. The material goes to me first. I am</p> <p>9 the one that cuts the material first.</p> <p>10 The next stage, it would go to the packer.</p> <p>11 And I think the packer was warned</p> <p>12 about letting the process go through to that</p> <p>13 point. And his name was Lance. And he was just</p> <p>14 warned.</p> <p>15 I am the one that I took the written</p> <p>16 because it should have gone through me first.</p> <p>17 Q. Were you the person that actually</p> <p>18 pulled the material to cut it?</p> <p>19 A. Yes, I did. See, we random racks.</p> <p>20 This material that I was cutting didn't need to be</p> <p>21 pulled from the regular racks because they were</p> <p>22 little pieces that we retagged. And I just</p> <p>23 mistakenly missed the alloy on it.</p> <p>24 Q. In other instances --</p>
<p style="text-align: right;">23</p> <p>1 for Copper and Brass Sales as a machine operator</p> <p>2 with shearing, cutting or slitting material, have</p> <p>3 you ever made mistakes on the cuts that you have</p> <p>4 made?</p> <p>5 A. Yes, I have.</p> <p>6 Q. When is the last time that you made a</p> <p>7 mistake in cutting material at Copper and Brass</p> <p>8 Sales?</p> <p>9 A. Maybe about three months ago.</p> <p>10 Q. What is the mistake that you made</p> <p>11 about three months ago in cutting material?</p> <p>12 A. I had cut the wrong alloy. I</p> <p>13 mistaked the -- alloys are marked with -- we have</p> <p>14 identification numbers on the alloys. And I am</p> <p>15 not -- I am going blind here, so I missed what</p> <p>16 alloy it was, and I wrote down the wrong alloy.</p> <p>17 And the customer got the wrong alloy.</p> <p>18 Q. So on this occasion about three</p> <p>19 months ago when you cut the wrong alloy --</p> <p>20 A. I was issued a written warning.</p> <p>21 Q. But in that instance where you cut</p> <p>22 the wrong alloy about three months ago, went all</p> <p>23 the way through the filling, packaging and</p> <p>24 shipping process to the customer?</p>	<p style="text-align: right;">25</p> <p>1 A. Somebody else would bring the</p> <p>2 material to the table.</p> <p>3 Q. On other types of orders where the</p> <p>4 material is kept elsewhere, there are people who</p> <p>5 bring that material to you?</p> <p>6 A. Right. But the main person that is</p> <p>7 responsible is the person that is cutting the</p> <p>8 material and releasing that material to be packed.</p> <p>9 And I took responsibility for that</p> <p>10 because it was my mistake.</p> <p>11 Q. How is it that you state that the</p> <p>12 main person that's responsible is the person who</p> <p>13 cuts and releases the material to be packed?</p> <p>14 A. Say that again, I'm sorry.</p> <p>15 MS. WEGNER: Can you read my question back,</p> <p>16 Pat, and we will see if it makes sense.</p> <p>17 (WHEREUPON, the record was</p> <p>18 read by the reporter.)</p> <p>19 BY THE WITNESS:</p> <p>20 A. Because I am the one that's pulling</p> <p>21 the material. I am the one that's cutting the</p> <p>22 material.</p> <p>23 And I am the one that's writing the</p> <p>24 information on the order.</p>

<p style="text-align: right;">26</p> <p>1 BY MS. WEGNER:</p> <p>2 Q. And in your position at Copper and</p> <p>3 Brass Sales as a machine operator, what is the</p> <p>4 information that you write on the order?</p> <p>5 A. The size that I am cutting, the</p> <p>6 tolerance that I am cutting, the weight of the</p> <p>7 order, the weight of the material, and my initials</p> <p>8 are done that I filled that order, and that they</p> <p>9 are getting the correct material.</p> <p>10 Q. Is there a progressive discipline</p> <p>11 policy at Copper and Brass Sales for the Union</p> <p>12 employees?</p> <p>13 A. Yes, there is. And I think it is</p> <p>14 very lenient. I mean, you really have to make the</p> <p>15 same mistakes over and over. Unless, you know,</p> <p>16 like a one-month span, if you make six mistakes,</p> <p>17 you are going to get disciplined.</p> <p>18 And, as I said, then, if you don't</p> <p>19 understand what you are doing, you could always</p> <p>20 ask for training.</p> <p>21 And I must say that Copper and Brass</p> <p>22 Sales is very good on retraining you. If you need</p> <p>23 any retraining, they will take the time to give</p> <p>24 you retraining during your working hours.</p>	<p style="text-align: right;">28</p> <p>1 Q. Are you referring to Isidro Garcia?</p> <p>2 A. Yes, Isidro Garcia, and there has</p> <p>3 been a few others.</p> <p>4 Q. In your work with Copper and Brass</p> <p>5 Sales as a machine operator, do you fill out daily</p> <p>6 production logs?</p> <p>7 A. Yes.</p> <p>8 Q. And what is the information that you</p> <p>9 are required to complete on the daily production</p> <p>10 logs?</p> <p>11 A. Your work order that you are filling,</p> <p>12 how many pieces that you have filled, the weight,</p> <p>13 your time start and your time finish.</p> <p>14 Q. Have you ever been informed of the</p> <p>15 expectation of Copper and Brass Sales as to the</p> <p>16 number of work orders you would be expected on</p> <p>17 average to complete for the day?</p> <p>18 A. Yes.</p> <p>19 Q. What is the number of work orders you</p> <p>20 are typically expected to complete for the day?</p> <p>21 A. Well, in the machine operator -- as a</p> <p>22 machine operator in our bay, probably about 10 to</p> <p>23 15 according to how much weight you are cutting</p> <p>24 and how many pieces.</p>
<p style="text-align: right;">27</p> <p>1 Q. What is the basis for your statement</p> <p>2 that if someone makes six mistakes, they will get</p> <p>3 disciplines?</p> <p>4 A. Well, I am saying they are -- I mean,</p> <p>5 you need to really make a lot of mistakes in one</p> <p>6 month's span. I threw a figure out there, I'm</p> <p>7 sorry if that -- I am just saying that you really</p> <p>8 need to make that same mistake over.</p> <p>9 Q. Is repetitive work order mistakes</p> <p>10 something for which Mr. Wingo received discipline,</p> <p>11 to your knowledge?</p> <p>12 A. Yes.</p> <p>13 Q. Who else at Copper and Brass Sales</p> <p>14 have received discipline --</p> <p>15 A. Numerous people.</p> <p>16 Q. (Continuing.) -- discipline for</p> <p>17 repetitive work order mistakes?</p> <p>18 A. Numerous people.</p> <p>19 Q. Who?</p> <p>20 A. Mario Alvarez, Bob Wingo. Their</p> <p>21 names are on the second shift, there are Isidro, I</p> <p>22 can't pronounce his last name. There has been a</p> <p>23 few of them. A lot of them are mostly new men,</p> <p>24 too.</p>	<p style="text-align: right;">29</p> <p>1 There could be an order that you are</p> <p>2 5,000 pieces that could take all day. And there</p> <p>3 is orders that is one piece, two pieces that you</p> <p>4 should be able to do a few of those.</p> <p>5 It depends on -- in our area, the</p> <p>6 piece count is more what is going to take the</p> <p>7 longest time.</p> <p>8 In RBW, which is just there is no</p> <p>9 cutting involved, they are usually recommended 15</p> <p>10 to 20 orders a day, because they are just taking</p> <p>11 the full metal, no processing.</p> <p>12 Q. And how have you been made aware that</p> <p>13 in RBW -- which stands for rod, bar and wire?</p> <p>14 A. Right.</p> <p>15 Q. Nonprocessed material?</p> <p>16 A. Right.</p> <p>17 Q. Warehouse employees are expected</p> <p>18 typically to handle 15 to 20 work orders per day?</p> <p>19 A. Right.</p> <p>20 Q. Now, how have you been made aware of</p> <p>21 that?</p> <p>22 A. By Mr. Lunt. They have done a time</p> <p>23 study.</p> <p>24 Q. When is the last time Mr. Lunt</p>

<p style="text-align: right;">30</p> <p>1 articulated that in rod, bar and wire nonprocessed 2 areas, employees would be typically expected to 3 handle 15 to 20 work orders per day? 4 MR. DISBROW: I am just going to object to 5 the form of the question. 6 Do you mean when is the last time he 7 articulated that specifically to Mr. LaRocco? 8 MS. WEGNER: Yes. 9 THE WITNESS: To me? 10 MS. WEGNER: Yes. 11 BY THE WITNESS: 12 A. In our area, as I say, I really don't 13 remember that he had recently said anything to me 14 about it, because most of my guys are senior guys 15 in that bay anyway, that we get the work out. 16 BY MS. WEGNER: 17 Q. Well, but you represent all of the 18 employees who are Union members? 19 A. Then I must be misunderstanding what 20 you are saying. 21 Are you saying in my bay? 22 Q. No. 23 A. Okay. Please explain to me. 24 Q. You said Mr. Lunt had indicated that</p>	<p style="text-align: right;">32</p> <p>1 A. Yes, it's in my Union bag. Key 2 puncher, yes, I remember. Yes. 3 Q. Did you participate in any meeting 4 where there was a discussion regarding items 5 listed in this document? 6 A. I was brought back -- yes. I was 7 brought back to the RBW. And I'd just like to say 8 that when I was brought back there, Bob did not 9 like what he was hearing and he asked me to leave. 10 And I did so, into the back of the warehouse. 11 And then he was brought into the 12 office as he was getting this, and stated to him 13 that he did not need to sign this if he didn't 14 feel that he thought it was just and that he could 15 file a grievance. 16 Q. If you look at the last paragraph of 17 the document that you have in front of you that 18 was marked at Mr. Wingo's deposition as Exhibit 19 No. 30, Mr. Lunt is indicating that Mr. Wingo 20 consistently filling 15 to 20 RBW MP orders in an 21 eight-hour day is less than other employees 22 working at the same work station by a considerable 23 amount, and that Mr. Wingo's production has fallen 24 to approximately 50 percent of the other workers.</p>
<p style="text-align: right;">31</p> <p>1 people who handle the nonprocessed rod, bar and 2 wire work orders would typically be expected to 3 handle 15 to 20 work orders per day? 4 A. Okay. 5 Q. And my question is: When is the last 6 time you heard him articulate that? 7 A. During Bob Wingo's time. 8 Q. Any particular point of Mr. Wingo's 9 20 something years that you are indicating 10 Mr. Lunt may have made the comment? 11 A. Well, the last time I heard Mr. Lunt 12 say those statements was during Bob's session when 13 he was working the RBW. 14 Q. When is it that you last recall 15 Mr. Wingo working the RBW? 16 A. Just before he was terminated, right 17 around that area? 18 Q. I am going to show you a document 19 that was actually marked at Mr. Wingo's deposition 20 as Exhibit No. 30, and ask you to take a look at 21 that and see if you recall this? 22 A. Yes. 23 Q. Did you receive a copy of this, as 24 indicated on the top?</p>	<p style="text-align: right;">33</p> <p>1 A. I have seen other work order 2 production sheets, and some of the senior men, 3 they get 20 to 30 orders. And that's what I think 4 he is going on. 5 But from what I have been told, 15 to 6 20 orders is decent. But that's not what he was 7 written up here for. 8 Q. I understand that. 9 But the statement that Mr. Lunt is 10 making in this document we have marked as Exhibit 11 No. 30 is inconsistent with the information he 12 provided to you, that 15 to 20 work orders per day 13 would be what would be typically expected? 14 A. Well, he is going according to what 15 other individuals back there are doing, and they 16 are doing 20 to 30 orders a day. 17 MR. DISBROW: And I am just going to object 18 because I think that mischaracterizes 19 Mr. LaRocco's earlier testimony. 20 BY THE WITNESS: 21 A. Yes. That's what I think he is going 22 on is according to what the other employees back 23 there are doing. They are doing 20 to 30 orders. 24 In my mind they work.</p>

<p style="text-align: right;">34</p> <p>1 BY MS. WEGNER:</p> <p>2 Q. But that wasn't my question to you.</p> <p>3 A. Okay.</p> <p>4 Q. You told me that Mr. Lunt indicated</p> <p>5 that handling rod, bar and wire nonprocessed work</p> <p>6 orders, an employee would be expected on average</p> <p>7 to be able to complete 15 to 20 work orders per</p> <p>8 day; that's what you told me; correct?</p> <p>9 A. Yes.</p> <p>10 Q. And so when Mr. Lunt in Wingo</p> <p>11 Deposition Exhibit 30, the document you have in</p> <p>12 front of you, this memo regarding repetitive</p> <p>13 warehouse errors, dated 11/19/2007, when Mr. Lunt</p> <p>14 states that Mr. Wingo was consistently filling 15</p> <p>15 to 20 RBW MP orders in an eight-hour day, that is</p> <p>16 consistent with what you had been told what is the</p> <p>17 normal expectation; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Now, in looking at this memo of</p> <p>20 November 19, 2007, previously marked at</p> <p>21 Mr. Wingo's deposition as Exhibit 30, you said you</p> <p>22 were in a meeting when this document was given to</p> <p>23 Mr. Wingo?</p> <p>24 A. Right.</p>	<p style="text-align: right;">36</p> <p>1 giving the customer what they are asking and the</p> <p>2 sizes are right and that the pieces -- and the</p> <p>3 piece count is correct.</p> <p>4 Q. On work orders, correct me if I am</p> <p>5 wrong, there are three boxes to be completed, one</p> <p>6 marked filled by, one marked --</p> <p>7 A. Filled by, packed by and audit. The</p> <p>8 audit is the person that is filling the order, he</p> <p>9 is the auditor.</p> <p>10 Q. Now, what, to your knowledge,</p> <p>11 constitutes filling an order at Copper and Brass</p> <p>12 Sales?</p> <p>13 A. Can you state that again? I don't</p> <p>14 understand what you are saying again.</p> <p>15 Q. What is or what are the determining</p> <p>16 factors as to who was considered to have filled an</p> <p>17 order at Copper and Brass Sales?</p> <p>18 A. The person that is in RBW, the side</p> <p>19 loader driver delivers the material. The filler,</p> <p>20 who fills the order and packs it, is the auditor,</p> <p>21 he makes the determining factor.</p> <p>22 I hope I answered that correctly to</p> <p>23 you. And weighs, he weighs, fills and gives the</p> <p>24 correct piece count. So he is filler and the</p>
<p style="text-align: right;">35</p> <p>1 Q. If you look at the second paragraph</p> <p>2 of Wingo Deposition Exhibit 30 near the bottom of</p> <p>3 that paragraph, it indicates that Mr. Wingo had</p> <p>4 disagreed about placing initials in required</p> <p>5 boxes, saying it wasn't done that way in the past.</p> <p>6 Do you have any information on what</p> <p>7 that refers to?</p> <p>8 A. We were told that because of the new</p> <p>9 way that orders were going to come out in the new</p> <p>10 system, that you must mark your initials that you</p> <p>11 have filled that order.</p> <p>12 And Bob was told a few times that he</p> <p>13 had not been putting his initials there, and I</p> <p>14 felt that that's not the way we used to do it.</p> <p>15 But it was being changed that we had to do it,</p> <p>16 with the audit, there was an audit box, that you</p> <p>17 are auditing that that order is correct.</p> <p>18 Q. When did this process change about</p> <p>19 putting initials in there?</p> <p>20 A. Maybe about, I would say about a</p> <p>21 month or two before he was written up for this.</p> <p>22 We were brought into the office and</p> <p>23 we were retrained on from now on, you must initial</p> <p>24 and audit your orders to make sure that you are</p>	<p style="text-align: right;">37</p> <p>1 auditor and the packer all in one.</p> <p>2 Q. Are you aware of any instances where</p> <p>3 in RBW the same person does not fill, weigh, pack</p> <p>4 and audit an individual work order?</p> <p>5 A. I am not aware of it.</p> <p>6 Q. Now, did Ms. Wingo ever complain to</p> <p>7 you that Mr. DeMien had harassed him and sworn at</p> <p>8 him?</p> <p>9 A. I don't recall that.</p> <p>10 Q. Did you ever participate in any</p> <p>11 meeting between Mr. Wingo and Mr. Lunt where</p> <p>12 Mr. Wingo complained about Mark DeMien harassing</p> <p>13 and swearing at him?</p> <p>14 A. Yes, I have.</p> <p>15 Q. When was the meeting where Mr. Wingo</p> <p>16 complained to Mr. Lunt about Mark DeMien swearing</p> <p>17 at him?</p> <p>18 A. Where?</p> <p>19 Q. When?</p> <p>20 A. I don't know the exact date or exact</p> <p>21 time, but it was just before -- I would say about</p> <p>22 two, three months before Bob was terminated?</p> <p>23 Q. What did Mr. Lunt say when the</p> <p>24 complaint was brought to him regarding?</p>

<p style="text-align: right;">38</p> <p>1 A. That Bob felt that he was being 2 harassed to file a grievance form or fill out any 3 kind of forms that he wanted to to take action. I 4 suggested to Bob that if he felt that he was being 5 harassed, to fill out forms and they would 6 investigate. 7 Q. Who would investigate if forms were 8 filled out? 9 A. First he would fill out a grievance 10 form, and then our business agent would come in, 11 and Randy Lunt and our business agent would 12 investigate the allegations. And then it would go 13 to corporate and go to human resource. 14 Q. Did you ever learn that there was 15 anyone who had witnessed Mark DeMien swearing at 16 Mr. Wingo? 17 A. I don't recall that. 18 Q. On the occasion that Mr. Wingo 19 complained that Mark DeMien had sworn at him, do 20 you recall Pat Bishop being involved in anything 21 related to that incident? 22 A. I need to tell you, a lot of times 23 that there were meetings, I don't know what it 24 was, Bob felt that he did not want me in those</p>	<p style="text-align: right;">40</p> <p>1 A. Mark DeMien is my foreman. I do not 2 go out with Mark DeMien, I don't associate with 3 Mark DeMien out of work. He is my foreman. 4 Q. Do you associate or socialize with 5 any managers or supervisors from Copper and Brass 6 Sales out of work? 7 A. No, I don't, not really, no, other 8 than if they have a barbecue or something like 9 that, you know, for our quarterly meetings or 10 whatever, they have a barbecue or something like 11 the, Christmas, you know, Thanksgiving, where they 12 have a thing out -- a barbecue out in the pit, out 13 in our document area, that's about it. 14 Q. Are you familiar with Tyler DeMien? 15 A. Tyler DeMien is Mark DeMien's son. 16 MS. WEGNER: Why don't we take a couple 17 minutes here. 18 (WHEREUPON, a recess was had.) 19 MS. WEGNER: Back on the record. 20 BY MS. WEGNER: 21 Q. Is it a violation of any Copper and 22 Brass Sales policy, to your knowledge, for 23 supervisory or managerial employees to swear at 24 subordinate employees?</p>
<p style="text-align: right;">39</p> <p>1 meetings, and I was taken out of the meeting at 2 his request. 3 So I don't recall a lot that was said 4 over who was involved in the Mark DeMien issue. 5 Q. Did Mr. Wingo ever tell you why he 6 had you taken out of meetings? 7 A. He felt that I was sleeping with the 8 enemy. 9 Q. Mr. Wingo actually told you he felt 10 you were sleeping -- 11 A. Well, he felt that I was with the 12 company. I wasn't representing him right. 13 And I told him that if he felt that, 14 then he could always request to have me taken out 15 and have a senior person brought in. And I think 16 that he did a couple of times have somebody else 17 brought in. 18 Q. Did Mr. Wingo express to you why he 19 felt you were sleeping with the enemy? 20 A. No, he didn't. I just did what he 21 asked me to do. He has always been able to write 22 grievances. 23 Q. Are you, in fact, friendly with Mark 24 DeMien?</p>	<p style="text-align: right;">41</p> <p>1 A. I think there are work rules on that. 2 Q. Work rules, are you referring to one 3 of the exhibits that we placed in front of you 4 that, I believe, govern managerial -- 5 A. I believe there is something in here. 6 Q. Okay. 7 A. Insubordination or language, action 8 direction from management that is abusive in 9 nature, Category C. 10 Q. I'm sorry, what document are you 11 looking at? 12 A. The work rules. 13 Q. What exhibit number is that, the 14 sticker on the front? 15 A. Exhibit 5. 16 Q. To your knowledge, do the work rules 17 in Exhibit No. 5 apply to supervisors and managers 18 at Copper and Brass Sales? 19 A. I don't see that. It applies to us. 20 Q. When you say it applies to us, are 21 you -- 22 A. Our Union members. 23 Q. Have you been made aware of any 24 repetitive work order errors, where the filled by,</p>

<p style="text-align: right;">42</p> <p>1 packed by and QA boxes have not been completed by 2 the same -- initiated by the same person in the 3 last several months? 4 A. Other people, yes. If you are saying 5 there were other people involved that had -- yes. 6 Q. Because you told me that the policy 7 was -- the system was changing? 8 A. Right. 9 Q. So in the last several months, have 10 you still come upon instances where people have 11 not put their initials in all of the required 12 boxes on the work order? 13 A. Yes, there was one -- probably about 14 two months ago, Lance, Lance Amack, he was 15 verbally warned about it the first time that he 16 did it. 17 Q. To your knowledge, it's the first 18 time that Lance had made that work order mistake 19 of not initially all three boxes? 20 A. Right, to my knowledge. Most of the 21 time that when they are verbally warned, they come 22 and get me to make sure that you are being warned 23 verbally in front of the steward and management. 24 Q. Have you ever been made aware of</p>	<p style="text-align: right;">44</p> <p>1 Q. Do you know what hours Tyler DeMien 2 works on his third shift? 3 A. I think it's 6:00 to 2:30, 2:30 to 4 11:00, 11:00 to 7:00. 11:00 to 7:00. Three 5 shifts. 6 Q. Okay. And on your shift, you are 7 allowed to stop five minutes early for washing up? 8 A. We are allowed to stop for five 9 minutes, yes, before wash-up. The bell goes off, 10 but you still have to remain in the building and 11 you do have to wait those five minutes to leave, 12 that's it. 13 Q. Is there a policy or procedure that 14 you follow when working on work orders that you 15 can't complete before the bell goes off and your 16 workday stops? 17 A. You are supposed to communicate with 18 the next shift on -- that you are not able to 19 complete the order so that he is able to complete 20 the order. 21 Q. And how do you communicate where you 22 left off on an order? 23 A. You either write notes or you stay 24 and you tell the next shift.</p>
<p style="text-align: right;">43</p> <p>1 complaints or concerns by other Union employees 2 that Tyler DeMien is receiving preferential 3 treatment? 4 A. I have not been made aware of that. 5 Q. Have you ever been made aware of 6 instances where Tyler DeMien has been allowed to 7 talk on his cell phone during work hours? 8 MR. DISBROW: Objection; assumes facts not 9 in evidence. 10 BY THE WITNESS: 11 A. I am not aware of that. 12 BY MS. WEGNER: 13 Q. Now, is talking on a cell phone 14 during work hours on the floor a violation of work 15 rules? 16 A. We are not allowed to talk on the 17 floor, unless you go to the foreman and it's an 18 emergency, and you notify the foreman that, hey, 19 look it, I need to talk to this person, it's about 20 somebody in the hospital or something like that, 21 then they will let you do it. 22 Just so you know, Tyler DeMien is not 23 on my shift, so I barely even see him. He is on a 24 late shift, the third shift.</p>	<p style="text-align: right;">45</p> <p>1 Q. And what procedure is typically used 2 to write the notes for the next shift to let them 3 know where you leave off on a work order? 4 A. There is not really a procedure, it's 5 just you either write, you know, that, here, you 6 need to do this or that, or give it to the foreman 7 and let the foreman tell the individual. 8 Q. I am going to show you a document we 9 have marked at an earlier deposition as Exhibit 10 No. 7. 11 Have you ever seen Exhibit 7 before? 12 A. Yes. 13 Q. Can you identify Exhibit No. 7? 14 A. Yes. 15 Q. What is Exhibit No. 7? 16 A. About daily production log. 17 Q. What is your understanding of the 18 instruction in the daily production log relating 19 to the completion of the daily production log, if 20 any, at or near the end of your workday? 21 MR. DISBROW: I am just going to put an 22 objection on the record to the degree the document 23 speaks for itself. 24 You can answer.</p>

<p style="text-align: right;">46</p> <p>1 BY THE WITNESS:</p> <p>2 A. If you do not finish the order, you</p> <p>3 are to state that you did not finish the order,</p> <p>4 and according to start and finish time. So, if</p> <p>5 you don't finish, you are supposed to write in</p> <p>6 comments that you did not complete the order.</p> <p>7 BY MS. WEGNER:</p> <p>8 Q. I am going to show you what was</p> <p>9 marked as Exhibit No. 18 at an earlier deposition,</p> <p>10 which is a two-page document regarding discipline</p> <p>11 for Tyler DeMienn.</p> <p>12 Do you recognize this document?</p> <p>13 A. Yes.</p> <p>14 MR. DISBROW: I am just going to state for</p> <p>15 the record, as indicated in an earlier deposition,</p> <p>16 this is actually two <u>separate</u> documents about two</p> <p>17 separate incidents.</p> <p>18 BY MS. WEGNER:</p> <p>19 Q. Did you participate in any Union</p> <p>20 proceedings regarding the suspension that Tyler</p> <p>21 DeMien received on May 10, 2005 for leaving work</p> <p>22 without permission, punching out without notifying</p> <p>23 his supervisor?</p> <p>24 A. You know, I don't --</p>	<p style="text-align: right;">48</p> <p>1 did Mr. DeMien violate when he left work without</p> <p>2 permission?</p> <p>3 A. I am not familiar with this.</p> <p>4 Q. Well, you are familiar with the work</p> <p>5 rules, aren't you?</p> <p>6 A. Yeah, I am, but I am not familiar</p> <p>7 with this issue here. I wasn't involved in this.</p> <p>8 Q. Okay. Fair enough.</p> <p>9 If Mr. DeMien left work without</p> <p>10 permission and punched out without notifying his</p> <p>11 supervisor, what work rules would he have</p> <p>12 violated?</p> <p>13 You have those work rules in front of</p> <p>14 you, don't you?</p> <p>15 MR. DISBROW: Object to the form; calls for</p> <p>16 speculation.</p> <p>17 He has already testified he doesn't</p> <p>18 know anything about this particular document.</p> <p>19 With regard to references to the work</p> <p>20 rules, those documents speak for themselves.</p> <p>21 MS. WEGNER: You can answer.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I am not familiar with it. It's in</p> <p>24 the work rules, I know that. Do I need to look</p>
<p style="text-align: right;">47</p> <p>1 MR. DISBROW: You know what, you are</p> <p>2 looking at the wrong page. You want to go to the</p> <p>3 next page.</p> <p>4 BY THE WITNESS:</p> <p>5 A. No, I wasn't involved in this. This</p> <p>6 is the second shift steward.</p> <p>7 BY MS. WEGNER:</p> <p>8 Q. Okay. Whose signature do you</p> <p>9 recognize as the second shift steward?</p> <p>10 A. Marcos Berena -- not Berena -- his</p> <p>11 last name, I can't pronounce, it's with a B,</p> <p>12 Marcos Bahama -- here, it should be on this one</p> <p>13 here. I'm sorry, I am bad on names.</p> <p>14 Q. You are indicating that the name of</p> <p>15 the second shift steward would be on either</p> <p>16 Exhibit 2 or 3?</p> <p>17 You are certainly welcome to look at</p> <p>18 those again and see if you can identify that name.</p> <p>19 MR. DISBROW: Remembering, Pete, that your</p> <p>20 name is not on the list either.</p> <p>21 BY THE WITNESS:</p> <p>22 A. No, I don't see his name here.</p> <p>23 BY MS. WEGNER:</p> <p>24 Q. To your knowledge, what work rules</p>	<p style="text-align: right;">49</p> <p>1 this up?</p> <p>2 BY MS. WEGNER:</p> <p>3 Q. That's my question to you, can you</p> <p>4 tell me what work rules Tyler DeMien violated</p> <p>5 leaving work without permission and punching out</p> <p>6 without notifying his supervisor as this employee</p> <p>7 report form that is part of Exhibit 18 states?</p> <p>8 MR. DISBROW: Same objection.</p> <p>9 He doesn't have any personal</p> <p>10 knowledge -- he has already told you he doesn't</p> <p>11 have any personal knowledge about this employee</p> <p>12 report form.</p> <p>13 Counsel is just well-suited to</p> <p>14 reviewing the work rules and finding the verbiage</p> <p>15 in the work rules.</p> <p>16 I don't know where we are trying to</p> <p>17 go with requiring Mr. LaRocco to spend the time to</p> <p>18 read through the multiple pages of work rules to</p> <p>19 find that particular language.</p> <p>20 MS. WEGNER: Well, it is my deposition;</p> <p>21 correct?</p> <p>22 MR. DISBROW: I mean, like I said, I am</p> <p>23 here all day.</p> <p>24 If you want to ask him to do that,</p>

DEPOSITION OF PETE LAROCCO - 5/29/08

<p style="text-align: right;">50</p> <p>1 it's your deposition. I am just stating an 2 objection for the record. 3 BY MS. WEGNER: 4 Q. Is it a violation of the Copper and 5 Brass Sales work rules to leave company property 6 without management's permission? 7 A. I am sure. 8 Q. And is it a company work rule that 9 employees must punch in and out? 10 A. Yes. 11 Q. Is it a Copper and Brass Sales 12 company rule that employees are not allowed to 13 leave their work stations before break or wash-up 14 time? 15 A. I think so, yes. 16 Q. And is it a violation of the Copper 17 and Brass Sales work rules to fail to return to a 18 work station from lunch or break promptly? 19 A. I think so. 20 Q. So on Exhibit No. 18 on the first 21 page, did you have any involvement in the 22 suspension/ probation issue to Tyler DeMien on -- 23 A. Yes. 24 Q. (Continuing.) -- December 21st,</p>	<p style="text-align: right;">52</p> <p>1 the attendance policy with the last Union contract 2 after there was a letter of understanding? 3 A. Right. 4 Q. And so I am wondering whether or not 5 the aspect of the attendance policy governing 6 tardiness was changed with the letter agreement 7 that became affixed to the April 2006 or April of 8 2009 agreement? 9 A. I am not sure. 10 MR. DISBROW: I am just going to object to 11 form and foundation. 12 I don't believe Mr. LaRocco prepared 13 the first page of Exhibit No. 18, so he is not the 14 individual indicating which attendance policy was 15 in effect at the time that was written. 16 BY MS. WEGNER: 17 Q. You represented Tyler at this 18 suspension/probation hearing outlined in Exhibit 19 No. 18; right? 20 A. Yes. 21 Q. Did you ever question anybody as to 22 the plant attendance policy that was being 23 referenced by Mr. Lunt for January of 1996? 24 A. My job is to try to get the</p>
<p style="text-align: right;">51</p> <p>1 2006? 2 A. Yes, I was involved. 3 Q. And did you get a copy of this memo, 4 the first page of 18? 5 A. Yes. 6 Q. The second sentence in Exhibit No. 18 7 indicates that in accordance to the plant 8 attendance policy put into effect in January of 9 1996, Mr. DeMien's tardiness reaching six points 10 was grounds for termination; correct? 11 MR. DISBROW: I am just going to object to 12 the form of the question. There is a number of 13 different sentences. You indicated that it was 14 the second sentence. 15 MS. WEGNER: Okay. Fair enough. 16 MR. DISBROW: And if you want to read it 17 verbatim, you certainly can, but that wasn't 18 exactly what was stated. 19 BY MS. WEGNER: 20 Q. Well, my question actually is, if you 21 know why the second sentence of the first page of 22 Exhibit 18 talks about the attendance policy that 23 was put into effect in January of 1996, because we 24 earlier talked about there having been changes to</p>	<p style="text-align: right;">53</p> <p>1 individual -- you know, try to get him back to 2 work. And this is what we came up with. 3 And this is what we have come up with 4 other individuals, too. So, I am not familiar 5 with these other questions you are asking me. 6 All I know is that when I am in there 7 and an individual is going to be terminated, that 8 this is what Randy Lunt agreed to. 9 Q. Well, did you have any question that 10 Mr. Lunt's memo of 12/21/2006 was correct when it 11 states that there were numerous verbal and written 12 warnings? 13 A. I don't remember and I don't know -- 14 I don't understand what you are asking me, other 15 than the individual was put on probation and he 16 served probation for -- you know, he's got a 17 six-month probation that he had. And that was my 18 job is to try to get him back, I am a steward. 19 Q. And did you question whether or not 20 Mr. Lunt's statement in this memo of 12/21/2006 21 was accurate in stating that Tyler DeMien had 22 received a minimum of four final warnings since 23 August of 2005? 24 A. I didn't question it, no.</p>

<p style="text-align: right;">54</p> <p>1 Q. What was it that you did to plead for 2 leniency for Tyler DeMien? 3 A. In the past, when you did reach six 4 points, they would put you under a probation -- 5 the same as what he got here, you would get this 6 last ditch chance here. 7 He would serve a three-day unpaid 8 suspension, brought back on a six month's 9 probation with only one point. 10 There has been other -- we have come 11 up with that with other individuals if it hits six 12 points. 13 Q. I am going to show you -- 14 THE WITNESS: Can I ask a question? 15 MR. DISBROW: Well, it's her deposition. 16 THE WITNESS: I don't understand what that 17 has to do with his age discrimination that they 18 are saying. 19 I don't understand, what does this 20 have to do with that? 21 BY MS. WEGNER: 22 Q. What is Tyler DeMien's approximate 23 age, to your knowledge? 24 A. He is a young man, I know that, yeah.</p>	<p style="text-align: right;">56</p> <p>1 the office because he didn't -- I don't 2 understand, you know, that was another part I 3 never understood. 4 Q. Well, let me ask you this: At the 5 time that the company made the decision to 6 terminate Mr. Wingo, did you represent him? 7 A. I called the business agent and let 8 him be aware of what was going on, and our 9 business agent was really his representative at 10 that time, Gino Rodriguez. 11 Q. So you didn't participate in -- 12 A. All I do is -- at that time they were 13 going to do it, I said, "Bob, you don't have to 14 agree on this, you don't have to sign it. If you 15 file a grievance, I will call Gino Rodriguez and 16 he will represent you on this." 17 Q. Well, were you present at the meeting 18 where Mr. -- 19 A. They did bring me in to tell me that 20 he was being terminated. 21 And I told Bob, "Bob, you have the 22 right to file a grievance and you have a right to 23 disagree with this, you do not have to sign this, 24 and I will contact Gino Rodriguez, and I did.</p>
<p style="text-align: right;">55</p> <p>1 But what -- 2 MR. DISBROW: I mean, I don't represent 3 you, Pete, but what we are here to do is Jan is 4 going to ask you questions and you are supposed to 5 answer. 6 THE WITNESS: Okay. I'm sorry. I am just 7 trying to be -- 8 MR. DISBROW: You'll get out of here 9 quicker if you just answer her question. 10 THE WITNESS: Okay. I'm sorry. I 11 apologize. I don't understand. Forget about it. 12 I apologize. Go ahead. 13 BY MS. WEGNER: 14 Q. Are you familiar with production logs 15 that were completed by Mr. Wingo in the latter 16 part of 2007 during his employment? 17 MR. DISBROW: Objection; vague and 18 ambiguous. 19 BY THE WITNESS: 20 A. I really don't deal with his bay that 21 much, he is in another bay than -- 22 BY MS. WEGNER: 23 Q. Well, you represented Mr. -- 24 A. At times. He would throw me out of</p>	<p style="text-align: right;">57</p> <p>1 Q. Is that the extent of your 2 participation in the meeting where Mr. Wingo was 3 being told he was terminated? 4 A. Yes. And that point, then Gino took 5 over because this individual was being terminated. 6 Q. Okay. 7 A. I tried up to a point to defend him, 8 but the company is going to do it, then I feel 9 that it is best to have the business agent come in 10 at that point to try to do his best to help that 11 individual. 12 Q. I am going to show you what was 13 marked as Exhibit 21 at an earlier deposition. 14 Have you seen that before? 15 A. Yes. 16 Q. Did you sign that Exhibit 21? 17 A. Yes, I did. I signed that Bob 18 refused to sign it because he felt that it was not 19 right. And at that point, I contacted Gino, and 20 Bob had a right to go to the second step of this 21 grievance. 22 Q. Do you have any knowledge as to the 23 reason Mr. Wingo was allegedly terminated? 24 A. Yes, I do.</p>

<p style="text-align: right;">58</p> <p>1 Q. What is your knowledge as to the</p> <p>2 reason Mr. Wingo was terminated?</p> <p>3 A. He had put down that he had completed</p> <p>4 orders that he did not complete. And it was</p> <p>5 written on his production sheet that he had</p> <p>6 completed the orders, when it's the second shift</p> <p>7 individual that works in the same area had</p> <p>8 completed the orders, and he falsified an order</p> <p>9 that was on there that was already completed.</p> <p>10 Q. Well, who falsified an order that was</p> <p>11 on there that was already completed?</p> <p>12 A. He wrote down on his work sheet that</p> <p>13 he had completed and started an order when he</p> <p>14 never did, that the other second shift member had</p> <p>15 done the order.</p> <p>16 Q. Did you see the documentation?</p> <p>17 A. Yes, I did.</p> <p>18 Q. Regarding this alleged falsification?</p> <p>19 A. Yes, I did.</p> <p>20 Q. And what was the documentation that</p> <p>21 you were shown?</p> <p>22 A. I was shown Bob's sheet, that the</p> <p>23 orders that he had written down, and that he had</p> <p>24 finished. And I was shown the sheet from the</p>	<p style="text-align: right;">60</p> <p>1 But I remember that when I was in the</p> <p>2 meeting, that I was shown that he had finished</p> <p>3 these orders, and I was shown that the other</p> <p>4 individual had finished the orders.</p> <p>5 And then when questioned, Bob said,</p> <p>6 well, that maybe I just started it and this</p> <p>7 individual had finished and completed the orders.</p> <p>8 I am not going to sit here and try to</p> <p>9 pinpoint what I don't remember now. I don't</p> <p>10 remember which orders they were.</p> <p>11 BY MS. WEGNER:</p> <p>12 Q. Did Mr. Wingo indicate to you that he</p> <p>13 had noted information on the exhibit you have in</p> <p>14 front of you, Exhibit No. 11, any differently than</p> <p>15 he had on any other occasion?</p> <p>16 A. I don't recall that. Honestly, I do</p> <p>17 not recall that.</p> <p>18 Q. And on Exhibit No. 11, do you know</p> <p>19 whether or not the times that are noted in the</p> <p>20 right-hand column are the start times or the stop</p> <p>21 times?</p> <p>22 MR. DISBROW: Objection to the degree the</p> <p>23 document speaks for itself.</p> <p>24 You can answer.</p>
<p style="text-align: right;">59</p> <p>1 second shift warehouseman that had filled the</p> <p>2 order, and that he started and finished the order.</p> <p>3 And Bob was questioned, and he said</p> <p>4 that he started the order or something like that.</p> <p>5 Q. I am going to show you what we marked</p> <p>6 as Exhibit No. 11 in an earlier deposition.</p> <p>7 Can you tell me if you recognize</p> <p>8 that?</p> <p>9 A. Yes, I do.</p> <p>10 Q. What is Exhibit No. 11?</p> <p>11 A. This is the worksheet that he had</p> <p>12 falsified.</p> <p>13 Q. And what is it that is contended</p> <p>14 Mr. Wingo falsified on Exhibit No. 11?</p> <p>15 A. I think it was the last two items. I</p> <p>16 am not sure, but I think it was. At that time, I</p> <p>17 was told that.</p> <p>18 MS. WEGNER: Do you want to go back -- I</p> <p>19 don't know if he has finished, so again, will you</p> <p>20 reread the question.</p> <p>21 BY THE WITNESS:</p> <p>22 A. You know what, honestly, I vaguely</p> <p>23 remember what work -- I mean, what work orders</p> <p>24 were in question.</p>	<p style="text-align: right;">61</p> <p>1 BY THE WITNESS:</p> <p>2 A. The way I see it is 12:55, the next</p> <p>3 order was completed at 1:22, the next order was</p> <p>4 completed at 2:00, the next order was completed at</p> <p>5 2:20. That's how he did his start times, start</p> <p>6 and finish times. That's what I am looking at.</p> <p>7 BY MS. WEGNER:</p> <p>8 Q. Are you certain that that's how</p> <p>9 Mr. Wingo --</p> <p>10 A. I am not certain, but that's the way</p> <p>11 that I see that he is writing it down as.</p> <p>12 See, my sheets are different, my</p> <p>13 sheets are finish and start, finish and start.</p> <p>14 His sheets are just his stop times here.</p> <p>15 You know, he started an order at</p> <p>16 6:45, the next one was done at 7:15. That's the</p> <p>17 way I am looking at this.</p> <p>18 Q. I am going to show you an Exhibit</p> <p>19 No. 14 from a previous deposition.</p> <p>20 Do you recognize that?</p> <p>21 A. Yes, I do.</p> <p>22 Q. What is Exhibit No. 14?</p> <p>23 A. It's a production sheet.</p> <p>24 Q. Is Exhibit No. 14 one of the</p>

<p style="text-align: right;">62</p> <p>1 production sheets that was alleged that</p> <p>2 Mr. Wingo falsified?</p> <p>3 A. You know, I can't recall.</p> <p>4 Q. Do you know what training Mr. Wingo</p> <p>5 had received regarding the completion of the</p> <p>6 production sheets?</p> <p>7 A. Bob received the same amount of</p> <p>8 training as I have, because he has been there just</p> <p>9 almost as long as I have.</p> <p>10 Q. Well, you received the same training</p> <p>11 as him but different production sheets?</p> <p>12 A. On production sheets, we are trained</p> <p>13 as to what to do on the production sheets.</p> <p>14 Q. Were you personally present when</p> <p>15 Mr. Wingo was trained on how to complete</p> <p>16 production sheets?</p> <p>17 A. His area was brought in different</p> <p>18 than my area, yes.</p> <p>19 Q. Did you act as Union representative</p> <p>20 for Mario Alvarez?</p> <p>21 A. Yes, I did.</p> <p>22 Q. You work first shift; correct?</p> <p>23 A. Yes. Mario has been to three</p> <p>24 different shifts. He just recently -- right, his</p>	<p style="text-align: right;">64</p> <p>1 Mr. Alvarez terminated?</p> <p>2 A. I don't know the exact date.</p> <p>3 Q. Do you recall the month or year?</p> <p>4 A. It was probably maybe three, four</p> <p>5 months ago maybe.</p> <p>6 Q. So you believe Mr. Alvarez was</p> <p>7 terminated in early 2007 -- I'm sorry, 2008, this</p> <p>8 year?</p> <p>9 A. Yeah, I think so.</p> <p>10 Q. Who replaced Mr. Wingo when he was</p> <p>11 terminated?</p> <p>12 A. I don't think they have replaced</p> <p>13 anybody because we have slowed down. I think they</p> <p>14 hired a helper.</p> <p>15 But as a warehouse, see, we have</p> <p>16 positions of warehouseman, machine operator and</p> <p>17 dock workers. And they are able to hire a certain</p> <p>18 amount of helpers that come in -- that they are</p> <p>19 really not part of us, that they are able to just</p> <p>20 like sweep and, you know, they are in a</p> <p>21 different -- they do not really have a seniority,</p> <p>22 they don't have seniority until they are able to</p> <p>23 bid on a job as a warehouseman or a machine</p> <p>24 operator.</p>
<p style="text-align: right;">63</p> <p>1 shift -- he didn't want the second shift steward.</p> <p>2 I had a couple points. Again, you</p> <p>3 don't have to have us in there. You can ask for a</p> <p>4 senior man or whatever, yes.</p> <p>5 You are not recommended to have -- I</p> <p>6 mean, if they don't want the steward in there,</p> <p>7 they can request a senior man on that shift.</p> <p>8 Q. Are you aware of Mr. Alvarez being</p> <p>9 terminated?</p> <p>10 A. Yes.</p> <p>11 Q. Did you represent Mr. Alvarez in</p> <p>12 connection with his termination?</p> <p>13 A. Gino Ridriguez represented Mario in</p> <p>14 being terminated. He was at his final -- he took</p> <p>15 over from when we couldn't come for an agreement</p> <p>16 with Randy, I needed to get Gino involved in it</p> <p>17 and Gino took place -- took the rest of it.</p> <p>18 Q. So do you know the reason that</p> <p>19 Mr. Alvarez was terminated?</p> <p>20 A. For something to do with cell phones.</p> <p>21 I think it had to do with an argument with the</p> <p>22 foreman and the cell phone and something like</p> <p>23 that.</p> <p>24 Q. When, to your knowledge, was</p>	<p style="text-align: right;">65</p> <p>1 Q. Well, Mr. Wingo was terminated,</p> <p>2 according to these documents, in early December</p> <p>3 2003.</p> <p>4 Who started performing the RBW</p> <p>5 nonprocessing work upon Mr. Wingo's termination?</p> <p>6 A. There has been a few people back</p> <p>7 there.</p> <p>8 Can I look at this here to get the</p> <p>9 names?</p> <p>10 Q. If it's at all helpful since we have</p> <p>11 already determined some things are --</p> <p>12 A. Well, I am just saying that you are</p> <p>13 asking me who replaced him?</p> <p>14 MR. DISBROW: I am just going to object to</p> <p>15 the form of the question.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Warehouseman are a pool of people.</p> <p>18 You know what I am saying? There has probably</p> <p>19 been three or four different people back there,</p> <p>20 and I don't really pay attention to who is back</p> <p>21 there, I am in my bay.</p> <p>22 BY MS. WEGNER:</p> <p>23 Q. So you don't know who took over</p> <p>24 handling RBW nonprocessing following Mr. Wingo's</p>

DEPOSITION OF PETE LAROCCO - 5/29/08

<p style="text-align: right;">66</p> <p>1 termination?</p> <p>2 MR. DISBROW: I'm sorry, is your question</p> <p>3 does he know who took over?</p> <p>4 BY THE WITNESS:</p> <p>5 A. You know what, honestly, I don't.</p> <p>6 BY MS. WEGNER:</p> <p>7 Q. But you said you knew there were</p> <p>8 several people back there.</p> <p>9 A. Well, yeah, there is people that go</p> <p>10 back there as the foreman appoints you back there</p> <p>11 because you are a warehouseman.</p> <p>12 You are supposed to be able to do</p> <p>13 RBW, you are supposed to be able to do UPS, you</p> <p>14 are supposed to be able to do packing, you are</p> <p>15 supposed to be able to -- there are like a pool of</p> <p>16 guys in there, you are not assigned. You know</p> <p>17 what I mean?</p> <p>18 Q. Well, based on your knowledge of the</p> <p>19 work at Copper and Brass Sales and the work that's</p> <p>20 necessary to be performed by someone handling the</p> <p>21 RBW nonprocessed job function, isn't there some</p> <p>22 training necessary?</p> <p>23 A. Yes.</p> <p>24 MR. DISBROW: Wait. You can answer, but I</p>	<p style="text-align: right;">68</p> <p>1 and I suggested to Bob that he should go to the</p> <p>2 second step, which would bring in Gino Rodriguez.</p> <p>3 And I don't think he did at this point.</p> <p>4 You know, you are able to put your</p> <p>5 comments down. And then if you still disagree,</p> <p>6 you are able to go to the next step, which would</p> <p>7 be to bring in our business agent. And I am</p> <p>8 assuming that he did not do this.</p> <p>9 Q. Are you aware of who Mr. Wingo is</p> <p>10 referring to as the side loader operator who</p> <p>11 pulled the wrong mill material in the response on</p> <p>12 Exhibit 16?</p> <p>13 A. I am not sure, but I am going to</p> <p>14 assume that it is Lazardo. Lazardo, I think his</p> <p>15 name is because I am still -- like I tell you, and</p> <p>16 I am not that familiar with that area.</p> <p>17 Q. Do you know whether or not the side</p> <p>18 loader operator who pulled the wrong mill material</p> <p>19 received any discipline as a result of this work</p> <p>20 order error?</p> <p>21 A. I don't recall. I don't recall.</p> <p>22 Q. Is there a rule at Copper and Brass</p> <p>23 Sales that a supervisor should not -- or an</p> <p>24 employee should not supervise another employee</p>
<p style="text-align: right;">67</p> <p>1 am just going to object to the foundation, because</p> <p>2 I think he has indicated that he doesn't spend</p> <p>3 much time in the area, so I don't know what his</p> <p>4 foundation would be.</p> <p>5 You can answer the question.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I am sure they are trained. We go</p> <p>8 through some good training there.</p> <p>9 When you are hired there, they have a</p> <p>10 list of training videos, training processes that</p> <p>11 you have to go through in order to do your work.</p> <p>12 And they keep track of whose got the</p> <p>13 training in what areas.</p> <p>14 BY MS. WEGNER:</p> <p>15 Q. I am going to show you what we have</p> <p>16 marked at an earlier deposition as Exhibit 16.</p> <p>17 Do you recognize Exhibit 16?</p> <p>18 A. I think so, yes.</p> <p>19 Q. Did you sign Exhibit 16?</p> <p>20 A. Yes.</p> <p>21 Q. Did you represent Mr. Wingo at any</p> <p>22 hearing for the suspension he received?</p> <p>23 A. This is one of them that I had made</p> <p>24 him fill out a grievance form. They answered it,</p>	<p style="text-align: right;">69</p> <p>1 that he or she is related to?</p> <p>2 A. I am not aware of that. I mean,</p> <p>3 there has been people that have been hired in the</p> <p>4 office that are related, too. And I have never</p> <p>5 been aware of that you are not supposed to -- we</p> <p>6 got two guys there now that are working there.</p> <p>7 What does that have to do with Bob's</p> <p>8 age?</p> <p>9 Q. Are you referring to Mark and Tyler?</p> <p>10 A. No, the Prossers, Denny Prosser, and</p> <p>11 there is other individuals there that are working</p> <p>12 that -- I am not aware of that you are not be able</p> <p>13 to hire -- is there a rule there that --</p> <p>14 Q. All right. Listen, Mr. LaRocco, my</p> <p>15 question to you was whether there was a rule that</p> <p>16 employees should not supervise another employee --</p> <p>17 A. I thought you were telling me that.</p> <p>18 Q. (Continuing.) -- who that person is</p> <p>19 related to?</p> <p>20 A. Okay. I am not aware of that. I'm</p> <p>21 sorry.</p> <p>22 Q. Thank you. That's fine.</p> <p>23 Are you aware of Mark DeMien</p> <p>24 supervising Tyler DeMien?</p>

<p style="text-align: right;">70</p> <p>1 A. One point, Tyler DeMien was on his 2 shift, and he is no longer on his shift. He has 3 been to -- he has put bids in for other shifts. 4 He has put bids in to go to the third shift. 5 Q. Now, if Tyler works overtime, would 6 Mark DeMien, to your knowledge, be his supervisor? 7 MR. DISBROW: Objection; calls for 8 speculation. 9 BY THE WITNESS: 10 A. Yes. 11 BY MS. WEGNER: 12 Q. So after Mr. Wingo was told he was 13 being terminated, you no longer had any 14 involvement and I should talk to Mr. Rodriguez? 15 A. Right. Mr. Rodriguez had handled the 16 rest of that. That's how the procedure goes. I 17 am only up to a point. 18 At that time, I would say, "Okay, 19 Bob, listen, you don't have to agree on this, you 20 don't have to sign anything, any documents, and 21 that I will call Gino and get Gino involved in 22 this now," because Gino is our final -- 23 Q. Do you believe that Mr. Wingo was 24 treated fairly in his termination?</p>	<p style="text-align: right;">72</p> <p>1 you made the mistake cutting the wrong alloy, had 2 you made that mistake before? 3 MR. DISBROW: I am just going to object as 4 to relevance. 5 BY THE WITNESS: 6 A. No, I don't think I have. 7 BY MS. WEGNER: 8 Q. Never in 29 years? 9 A. I don't remember it. 10 MR. DISBROW: I am just going to object 11 because I think it's getting argumentative at this 12 point. He did answer the question. 13 MS. WEGNER: I am not arguing at all with 14 this gentleman, and I take offense at you 15 suggesting that I am. 16 All right. Mr. LaRocco, I don't have 17 any other questions for you. 18 I am not sure whether or not 19 Mr. Disbrow, the attorney for Copper and Brass 20 Sales, may have some. 21 MR. DISBROW: I just have a few. 22 EXAMINATION 23 BY MR. DISBROW: 24 Q. The first one that I want you to take</p>
<p style="text-align: right;">71</p> <p>1 A. I believe that Bob Wingo had made 2 numerous mistakes that he was told over and over 3 and over and over again, that it just kept 4 happening, that yes, I think he was treated fairly 5 for a senior person. 6 Q. Well, you have made mistakes, haven't 7 you? 8 A. Yes, but I corrected my mistakes. 9 Q. And have you been told to receive 10 trainings about those mistakes? 11 A. I have corrected my mistakes. 12 And can I add one other thing? 13 Q. How did you correct your mistakes? 14 A. By not doing them. After being told 15 what I was doing wrong, I corrected it. 16 Q. Well, you recently made a mistake in 17 cutting material because you pulled the wrong 18 alloy; correct? 19 A. Right. And I have not made that 20 mistake, it hasn't happened anymore since then. 21 Q. Okay. 22 A. I don't understand why -- no, I won't 23 do that. 24 Q. Prior to this most recent time when</p>	<p style="text-align: right;">73</p> <p>1 a look again, Mr. LaRocco, is what was previously 2 shown to you as -- and I have to find it myself -- 3 Deposition Exhibit 30 to the Wingo deposition. 4 Can we put our hands on that? 5 You are looking at it now, I can just 6 look over your shoulder. 7 And the question I have is, to your 8 knowledge, did Mr. Wingo ever file a grievance 9 with regard to that particular issue? 10 A. No, he did not. 11 Q. Could he have? 12 A. Yes, he could have. 13 Q. And there has been some questions 14 that you were asked about alleged harassment, 15 quote/unquote, and it had to do with some 16 purported allegations that Mr. Wingo made about 17 supposed harassment directed at him from Mark 18 DeMien. 19 To your knowledge, did Mr. Wingo use 20 the word "harassment"? 21 A. You know what, honestly, I don't 22 recall. 23 Q. Was the issue, and I believe it was 24 sometime in late August 2007, more that he felt</p>

<p style="text-align: right;">74</p> <p>1 that his discipline -- he didn't agree with his 2 discipline? 3 MS. WEGNER: I will object; calls for 4 speculation, assumes facts not in evidence, 5 mischaracterizes the witness' prior testimony, 6 calls for speculation, form and foundation. 7 MR. DISBROW: You can answer the question. 8 BY THE WITNESS: 9 A. No. 10 BY MR. DISBROW: 11 Q. To your knowledge, did Mr. Wingo ever 12 allege that Mr. DeMien or anyone else was 13 harassing him because of his age? 14 A. Never. 15 Q. Would you agree with me that there is 16 a fair amount of shop talk that goes on? 17 A. Yes. 18 Q. It's not uncommon for people to use 19 colorful language in the shop; is that fair -- 20 A. Yes -- 21 Q. Let me finish the question. 22 Is that a fair statement? 23 A. Yes. 24 Q. I want you to go ahead and take a</p>	<p style="text-align: right;">76</p> <p>1 Q. I thought that's what you were trying 2 to say. 3 A. Yes. 4 Q. I want you to take a look at a 5 document that was previously marked as Exhibit 22 6 in the Lunt deposition. 7 I don't know that you were shown that 8 exhibit earlier, Exhibit 22. 9 Can you look at that document for me? 10 A. Okay. 11 Q. Let me know when you are ready. 12 A. Right. 13 Q. Have you ever seen this document that 14 has been labeled as Exhibit No. 22? 15 A. Yes. 16 Q. Can you tell me what it is? 17 A. This is when he was being terminated. 18 Q. And by he, you mean? 19 A. Bob Wingo. 20 Q. This is the grievance form that was 21 filled out? 22 A. Yes, it is. 23 Q. And I am just reading the form here, 24 it says: "I am filing this grievance because I</p>
<p style="text-align: right;">75</p> <p>1 look at Exhibit No. 18, if you would. I want you 2 to look at the first page again. 3 You were asked a number of questions 4 about this particular page, and I want to make 5 sure I understand what your testimony was. 6 As I understand it, and you correct 7 me if I am wrong, you acted as the Union 8 representative with regard to this attendance 9 issue that Mr. Tyler DeMien was having; is that 10 correct? 11 A. Yes. 12 Q. And was the company ready to 13 terminate Mr. Tyler DeMien at the time; is that 14 your recollection? 15 A. Yes. 16 Q. And I think the point you were trying 17 to make, although I don't think it came across 18 that well, so I just want to clarify, is that as 19 the Union representative, you went to bat for 20 Mr. DeMien and got that reduced to a probation? 21 A. Yes. 22 Q. And that was consistent with what you 23 were able to achieve in similar instances? 24 A. Exactly.</p>	<p style="text-align: right;">77</p> <p>1 feel I was unfairly terminated." 2 Do you know whose writing that is? 3 A. That's Bob's. 4 Q. And were you with him when he filled 5 this grievance form out? 6 A. No, I wasn't. He filled it out and 7 then brought it in, and then I signed it, so it 8 would go to Gino for the next step. 9 Q. When Mr. Wingo filled this grievance 10 form out and returned it to you, did he ever 11 indicate to you that he believed he was being 12 terminated because of his age? 13 A. Absolutely not. 14 Q. That allegation was never made to 15 you? 16 A. Never, never. 17 Q. You were also involved, at least to 18 some degree, in the second step and other meetings 19 that Copper and Brass Sales had with regard to 20 Mr. Wingo's termination; is that correct? 21 A. Yes. 22 Q. Now, do you have any personal 23 knowledge of Mr. Wingo ever indicating in those 24 meetings that he felt he had been terminated</p>

<p style="text-align: right;">78</p> <p>1 because of his age?</p> <p>2 A. Absolutely not.</p> <p>3 Q. Did he ever indicate that anyone had</p> <p>4 made any comments with regard to his age?</p> <p>5 A. No.</p> <p>6 Q. Now, I think you indicated that you</p> <p>7 had been a Union steward for about 21 years; is</p> <p>8 that correct, at Copper and Brass?</p> <p>9 A. Yes.</p> <p>10 Q. And in that time, you have been</p> <p>11 involved in a number of grievance proceedings, I</p> <p>12 would assume?</p> <p>13 A. Yes.</p> <p>14 Q. And you have been involved in</p> <p>15 representing Union employees when they have had</p> <p>16 disciplinary action taken against them?</p> <p>17 A. Yes.</p> <p>18 Q. So you have some familiarity with the</p> <p>19 amount of disciplinary action that goes on within</p> <p>20 the plant?</p> <p>21 A. Yes.</p> <p>22 Q. How would you characterize the amount</p> <p>23 of disciplinary action taken against Mr. -- strike</p> <p>24 that.</p>	<p style="text-align: right;">80</p> <p>1 question was?</p> <p>2 A. Yes.</p> <p>3 MR. DISBROW: I have no other questions at</p> <p>4 this time.</p> <p>5 FURTHER EXAMINATION</p> <p>6 BY MS. WEGNER:</p> <p>7 Q. During the course of your</p> <p>8 representation of employees at Copper and Brass</p> <p>9 Sales, have you been the Union representative for</p> <p>10 every single employee?</p> <p>11 A. No.</p> <p>12 Q. And not having been the Union</p> <p>13 representative or every single employee at Copper</p> <p>14 and Brass Sales over the course of your</p> <p>15 employment, you don't have personal knowledge</p> <p>16 regarding the performance problems of every</p> <p>17 employee; correct?</p> <p>18 A. Yes, I do. I am told after what</p> <p>19 disciplinary action was done to that employee,</p> <p>20 whether I was in there or not, as the head Union</p> <p>21 steward.</p> <p>22 Q. But you have only obtained the</p> <p>23 information that you may have learned about other</p> <p>24 employees' performance through hearsay, having</p>
<p style="text-align: right;">79</p> <p>1 How would you characterize the amount</p> <p>2 of issues that Mr. Wingo had through the course of</p> <p>3 his employment at Copper and Brass Sales as</p> <p>4 compared to other employees?</p> <p>5 MS. WEGNER: I object; calls for</p> <p>6 speculation, form and foundation, relevance.</p> <p>7 MR. DISBROW: <u>You can</u> answer the question.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I think he has had more chances than</p> <p>10 others.</p> <p>11 BY MR. DISBROW:</p> <p>12 Q. So it is fair to say that management</p> <p>13 gave him numerous chances to correct his</p> <p>14 performance issues?</p> <p>15 A. Absolutely, yes.</p> <p>16 MS. WEGNER: Same objection.</p> <p>17 BY MR. DISBROW:</p> <p>18 Q. And is it fair to say he had a number</p> <p>19 of performance issues over his time at the</p> <p>20 company?</p> <p>21 A. Yes.</p> <p>22 MS. WEGNER: Same objection.</p> <p>23 BY MR. DISBROW:</p> <p>24 Q. And I'm sorry, your answer to my</p>	<p style="text-align: right;">81</p> <p>1 heard it from someone else, so that's not personal</p> <p>2 knowledge; correct?</p> <p>3 MR. DISBROW: I am just going to object to</p> <p>4 this calls for a legal conclusion as to what</p> <p>5 hearsay is. I object to form and foundation of</p> <p>6 the question.</p> <p>7 I think it also has been asked and</p> <p>8 answered and mischaracterizes earlier testimony.</p> <p>9 You can answer the question, if you</p> <p>10 can.</p> <p>11 BY THE WITNESS:</p> <p>12 A. The supervisor tells me what kind of</p> <p>13 disciplinary action was taken, Randy Lunt.</p> <p>14 BY MS. WEGNER:</p> <p>15 Q. Well, Mr. Lunt is not the supervisor,</p> <p>16 is he?</p> <p>17 A. It's the supervisor, our plant</p> <p>18 supervisor. We have foremen and supervisors.</p> <p>19 Q. And, as you sit here today, can you</p> <p>20 categorically state that you are aware personally</p> <p>21 that Mr. Wingo had more chances than others at</p> <p>22 Copper and Brass Sales?</p> <p>23 A. If you look at his file, that should</p> <p>24 tell you right there that he has.</p>

<p>82</p> <p>1 Q. Well, I didn't ask you to instruct me</p> <p>2 to look at Mr. Wingo's file. I asked you a</p> <p>3 question.</p> <p>4 A. I said he has had ample, yes.</p> <p>5 I apologize.</p> <p>6 Q. Do you know the reason why Mr. Wingo</p> <p>7 managed to stay employed at Copper and Brass Sales</p> <p>8 for over 20 years if his performance was such an</p> <p>9 issue?</p> <p>10 MR. DISBROW: I am just going to object to</p> <p>11 the degree that it calls for speculation and as to</p> <p>12 foundation, as I do not believe that Mr. LaRocco</p> <p>13 was a decision-maker with regard to employment</p> <p>14 actions that may or may not have been taken</p> <p>15 against Mr. Wingo.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I don't want to answer that. I don't</p> <p>18 think that is a question for me to answer. I am</p> <p>19 not the company.</p> <p>20 BY MS. WEGNER:</p> <p>21 Q. So, well, then is your answer that</p> <p>22 you don't know?</p> <p>23 A. I don't know what you are asking me.</p> <p>24 You are asking me a question that you should be</p>	<p>84</p> <p>1 prepared in a booklet form, which contains all the</p> <p>2 questions and answers and you have the right to</p> <p>3 review it. That's what is known as reserving your</p> <p>4 signature.</p> <p>5 THE WITNESS: Okay. Can I ask you a</p> <p>6 question?</p> <p>7 MR. DISBROW: Well, let me state for the</p> <p>8 record because I think that in most instances when</p> <p>9 we are dealing with a Union steward, they have</p> <p>10 Union representation.</p> <p>11 THE WITNESS: Exactly.</p> <p>12 MR. DISBROW: And you may want to contact</p> <p>13 the Union attorney to determine whether they wish</p> <p>14 to reserve.</p> <p>15 THE WITNESS: I generally won't get</p> <p>16 involved in that.</p> <p>17 MR. DISBROW: Because he is not a lawyer,</p> <p>18 he doesn't know.</p> <p>19 THE WITNESS: I don't know anything about</p> <p>20 it.</p> <p>21 I would just say that I would think</p> <p>22 that I would need that to get to Gino. I would</p> <p>23 need this to give to our attorney.</p> <p>24 MR. DISBROW: And Jan, I think what he is</p>
<p>83</p> <p>1 asking the company.</p> <p>2 Really, I am being serious, why would</p> <p>3 you ask me that question?</p> <p>4 Q. Because I am wondering why if</p> <p>5 Mr. Wingo's discipline was so bad, he wasn't</p> <p>6 terminated much earlier?</p> <p>7 A. He was terminated a few times -- not</p> <p>8 terminated, suspended a few times before.</p> <p>9 Q. How many times are you aware of</p> <p>10 Mr. Wingo being suspended?</p> <p>11 A. Oh, I would say he has been suspended</p> <p>12 four or five times, if you look in the records.</p> <p>13 Q. Do you believe that Copper and Brass</p> <p>14 Sales followed its discipline policy, its</p> <p>15 progressive discipline policy when it terminated</p> <p>16 Mr. Wingo?</p> <p>17 A. Yes, I do.</p> <p>18 MS. WEGNER: I don't have anything else.</p> <p>19 MR. DISBROW: Nothing.</p> <p>20 MS. WEGNER: Mr. LaRocco, you have the</p> <p>21 right to review the transcript of this deposition</p> <p>22 should you wish to do so.</p> <p>23 That would allow you to receive</p> <p>24 notice that it has been transcribed. It's</p>	<p>85</p> <p>1 trying to tell you is he needs to reserve the</p> <p>2 right. I think that's the way to handle it.</p> <p>3 THE WITNESS: Yes.</p> <p>4 MS. WEGNER: Well, I was going to say that</p> <p>5 perhaps we can agree to do that, because if he</p> <p>6 waives it now, you are done.</p> <p>7 MR. DISBROW: Right. And that's what I was</p> <p>8 trying to say.</p> <p>9 MS. WEGNER: He may later choose to waive</p> <p>10 it. It's reserved on your behalf at this point.</p> <p>11 THE WITNESS: I would like it.</p> <p>12 MS. WEGNER: To reserve?</p> <p>13 THE WITNESS: Right.</p> <p>14 MS. WEGNER: We will do that for you.</p> <p>15 MR. DISBROW: I think you are done.</p> <p>16 FURTHER DEPONENT SAITH NOT.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

DEPOSITION OF PETE LAROCCO - 5/29/08

<p style="text-align: right;">86</p> <p>1 UNITED STATES DISTRICT COURT FOR THE 2 NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION 4 ROBERT G. WINGO,) 5 Plaintiff,) 6 vs.) No. 08 C 368 7 THYSSENKRUPP MATERIALS NA,) 8 INC., d/b/a COPPER AND BRASS,) 9 Defendant.) 10 I hereby certify that I have read the 11 foregoing transcript of my deposition given at the 12 time and place aforesaid, consisting of Pages 1 to 13 89, inclusive, and I do again subscribe and make 14 oath that the same is a true, correct and complete 15 transcript of my deposition so given as aforesaid, 16 and includes changes, if any, so made by me. 17 18 19 <u>PETE LAROCCO</u> 20 SUBSCRIBED AND SWORN TO 21 before me this _____ day of 22 _____, A.D. 2008. 23 24 _____ Notary Public</p>	<p style="text-align: right;">88</p> <p>1 IN WITNESS WHEREOF, I do hereunto set 2 my hand and affix my seal of office at Chicago, 3 Illinois, this 16th day of June, 2008. 4 5 6 7 Notary Public, DuPage County, 8 Illinois. 9 My commission expires 03/23/09. 10 11 C.S.R. Certificate No. 84-1766. 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p style="text-align: right;">87</p> <p>1 STATE OF ILLINOIS) 2) 3 COUNTY OF DU PAGE) 4 I, Patricia Ann Armstrong, a Notary 5 Public within and for the County of DuPage, State 6 of Illinois, and a Certified Shorthand Reporter of 7 said state, do hereby certify: 8 That previous to the commencement of 9 the examination of the witnesses, the witness was 10 duly sworn to testify the whole truth concerning 11 the matters herein; 12 That the foregoing deposition 13 transcript was reported stenographically by me, 14 was thereafter reduced to typewriting under my 15 personal direction and constitutes a true record 16 of the testimony given and the proceedings had; 17 That the said deposition was taken 18 before me at the time and place specified upon 19 written interrogatories; 20 That I am not a relative or employee 21 or attorney or counsel, nor a relative or employee 22 of such attorney or counsel for any of the parties 23 herein, nor interested directly or indirectly in 24 the outcome of this action.</p>	

DEPOSITION OF PETE LAROCCO - 5/29/08

1 STATE OF ILLINOIS)

2)

3 COUNTY OF DU PAGE)

4 I, Patricia Ann Armstrong, a Notary
5 Public within and for the County of DuPage, State
6 of Illinois, and a Certified Shorthand Reporter of
7 said state, do hereby certify:

8 That previous to the commencement of
9 the examination of the witnesses, the witness was
10 duly sworn to testify the whole truth concerning
11 the matters herein;

12 That the foregoing deposition
13 transcript was reported stenographically by me,
14 was thereafter reduced to typewriting under my
15 personal direction and constitutes a true record
16 of the testimony given and the proceedings had;

17 That the said deposition was taken
18 before me at the time and place specified upon
19 written interrogatories;

20 That I am not a relative or employee
21 or attorney or counsel, nor a relative or employee
22 of such attorney or counsel for any of the parties
23 herein, nor interested directly or indirectly in
24 the outcome of this action.

DEPOSITION OF PETE LAROCCO - 5/29/08

1 the outcome thereof.

2 I further certify that this certificate
3 applies to the original signed IN BLUE and
4 certified transcripts only. I assume no
5 responsibility for the accuracy of any reproduced
6 copies not made under my control or direction.

7 IN TESTIMONY WHEREOF I have hereunto set
8 my hand and affixed my notarial seal this 16th day
9 of June, A.D., 2008.

10

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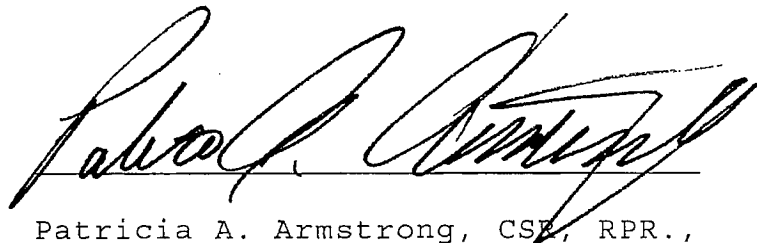
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Patricia A. Armstrong, CSR, RPR.,

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19 My Commission Expires

20

21 March 23, 2009.

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